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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/807,464	06/29/2001	Michel Ruffin	Q64056	7377

7590 07/06/2004
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EXAMINER

PATEL, HARESH N

ART UNIT	PAPER NUMBER
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2154

DATE MAILED: 07/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/807,464

Applicant(s)

RUFFIN ET AL.

Examiner

Haresh Patel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 June 2001.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-6 is/are rejected.
7) ☒ Claim(s) 4-6 is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 29 June 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 5.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-6 are presented for examination.

Priority

2. Applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d) or (f), is acknowledged.
Applicant is requested to submit the certified translated priority document.

Drawings

3. New corrected drawings are required in this application because Figures 1 and 2 need self-explanatory labels. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Information Disclosure Statement

4. An initialed and dated copy of Applicant's IDS form 1449, Paper No. 5, is attached to the instant Office action.

Claim Objections

5. Claims 4-6 are objected to because of the following informalities:
Claim 4 mentions "and/or consumers", which is not allowed.

Claim 5 mentions “a communication channel according to the claim 1”, which is incorrect. For examine purpose examiner considers it as “a communication channel according to the claim 4”.

Claim 6 mentions “a transactional asynchronous communication architecture, which is incorrect. For examine purpose examiner considers it as “a communication channel”.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 2 and 4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
7. Claim 2 recites the limitation “and in that when a communication channel of said chain is the target”. There is insufficient antecedent basis for this limitation in the claim.
8. Claim 4 recites the limitation “the information contained in a transaction for which said channel is the target”. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

10. Claims 1-6 are rejected under 35 U.S.C. 102(e) as being anticipated by Schaefer et al. 6,157,927 (Hereinafter Schaefer).

11. As per claim 1, Schaefer teaches the following:

a method of transmitting information asynchronously (e.g., col., 14, lines 6 – 10) between a supplier and a consumer in accordance with ACID properties (e.g., col., 1, lines 51 – 57), said supplier and said consumer being connected by a chain of communication channels (e.g., col., 2, lines 24 – 61), characterized in that said information is transmitted by means of independent transactions (e.g. col., 3, lines 1-53) set up:

between said supplier and the first communication channel of said chain (e.g., col., 2, lines 24 – 61),

between each of the communication channels of said chain (e.g., col., 2, lines 24 – 61),
and

between the last communication channel of said chain and said consumer(e.g., col., 2, lines 24 – 61).

12. As per claims 2 and 4, Schaefer teaches the following:

a communication channel enabling asynchronous transmission of information between a supplier and a consumer in accordance with ACID properties (e.g., col., 1, lines 51 – 57),

each communication channel has a set of clients which can be other communication channels and/or consumers (e.g., col., 8, lines 25 – 67) and in that when a communication channel of said chain is the target of one of said independent transactions (e.g., col., 8, lines 25 – 67), it effects the following steps:

storing said information in a reliable memory (e.g., col., 9, line 31 – col., 10, line 24),
finalizing said independent transaction (e.g., col., 9, line 31 – col., 10, line 24), and
if said independent transaction has succeeded, initiating independent transactions with said clients containing said information (e.g., col., 9, line 31 – col., 10, line 24).

13. As per claims 3, 5 and 6, Schaefer teaches the following:

to initiate said independent transactions said information is stored in queues each of which is associated with one of said clients and consumed by a thread (e.g., col., 12, lines 13 – 47),

utilizing a plurality of communication channels (e.g., col., 12, lines 13 – 47).

Conclusion

14. Examiner makes a very clear note that the rational of the applicant's invention has been clearly taught by several cited references including the cited references used under by the international search report submitted by the applicant. (See form PTO-892 and IDS, paper number 5). Applicant's invention does contain few minor additional matters that facilitate the concepts of the applicant's invention. However, the additional minor matters are well known in

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the art. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Haresh Patel whose telephone number is (703) 605-5234. The examiner can normally be reached on Monday, Tuesday, Thursday and Friday from 10:00 am to 8:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee, can be reached at (703) 305-8498.

The appropriate fax phone number for the organization where this application or proceeding is assigned is (703) 746-7239.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Haresh Patel

June 22, 2004


ZARNI MAUNG
PRIMARY EXAMINER